

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN J. VOSS, JR.,

Plaintiff,

v.

08-CV-133

UNITED STATES OF AMERICA, *et al.*,
Defendants.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

Plaintiff John Voss, Jr., filed a civil rights complaint against the Albany VA Medial Center, Department of Veteran Affairs, pursuant to 42 U.S.C. § 1983. The Court referred this matter to the Hon. Randolph F. Treece, United States Magistrate Judge for a Report and Recommendation. Upon review of the Complaint, Magistrate Judge Treece recommended that the action be dismissed, but that Plaintiff be given leave to file an amended Complaint consistent with the instructions in the Report-Recommendation. This Court adopted the Magistrate's recommendation and directed Plaintiff to file an amended complaint consistent with the Report-Recommendation "or face dismissal in this action."

Plaintiff then filed several documents including one entitled "Amended Complaint" (Dkt. No. 22), none of which cured the pleading deficiencies. None of these documents contain clearly numbered sections, a statement regarding the subject-matter jurisdiction of the Court, or a short and plain statement of a claim upon which relief may be granted. Magistrate Judge Treece used statements from several of the documents in an attempt to piece together a possible claim and concluded that Plaintiff

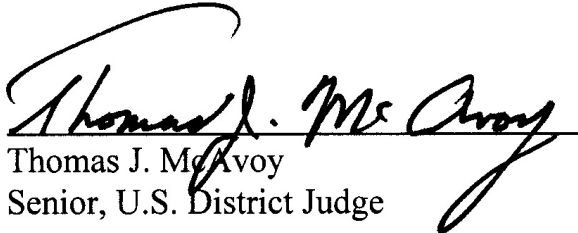
appears to be disputing a determination regarding veterans benefits. On September 18, 2008, Judge Treece issued another Report-Recommendation. In this Report-Recommendation, Magistrate Judge Treece recommends dismissal for failure to state a claim and also questions whether the Court has subject-matter jurisdiction. Since this Report-Recommendation, Plaintiff has filed a number of confusing letters, including a request to remove the action to an unspecified international court.

Although it does not appear that Plaintiff filed proper objections to the Report-Recommendation, this Court, nonetheless, conducted a *de novo* review of the Report-Recommendation. Having reviewed the record *de novo*, the Court adopts the recommendation of Magistrate Judge Treece for the reasons stated therein.

Accordingly, Plaintiff's Amended Complaint is DISMISSED. Plaintiff's request to remove the action to an international court or some other court is DENIED.

IT IS SO ORDERED.

Dated: November 5, 2008


Thomas J. McAvoy
Senior, U.S. District Judge